

Proposed Rule Amendments

Public Hearing:

May 20, 2015 – 10:30 am
Wake Technical Community College
Public Safety Training Center
321 Chapanoke Rd.
Raleigh, NC 27502

Instructions for Oral and Written Comments: The objection, reasons for the objection, and the clearly identified portion of the rule to which the objection pertains, must be submitted in writing to:

Trevor Allen
Department of Justice
Criminal Justice Standards Division
PO Drawer 149
Raleigh, NC 27602

The Criminal Justice Education and Training Standards Commission met on November 14, 2014
and voted to adopt the following rule in order to incorporate NCGS 93B-15.1:

SECTION .0700 – MILITARY TRAINED APPLICANT AND MILITARY SPOUSE APPLICANT

12 NCAC 09B .0701 is proposed for adoption as follows:

12 NCAC 09B .0701 MILITARY AND MILITARY SPOUSE TRANSFEREES

(a) A military trained individual seeking certification pursuant to G.S. 93B-15.1 who applies to the Criminal Justice Standards Division (Division) for a certification issued by the Criminal Justice Education and Training Standards Commission (Commission) shall meet, and submit documentation to the Division verifying his or her compliance with the following requirements:

- (1) Been awarded a military occupational specialty that is substantially equivalent to or exceeds the training requirements required for certification and performed in the occupational specialty;
- (2) Completed a military law enforcement training program;
- (3) Engaged in the active practice of that occupation for at least two of the five years prior to the date of application; and
- (4) Not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in this State at the time the act was committed.

(b) The Division shall review documents received to verify that the military trained individual has met the criteria specified in Paragraph (a) of this Rule. Upon confirmation that the military trained individual has met this criteria, the Division shall authorize the limited enrollment for the military trained individual to complete the BLET training topics specified in Paragraph (c) of this Rule.

(c) The military trained individual authorized for limited enrollment in BLET shall enroll in BLET within 12 months of the enrollment authorization, and shall complete all topics specified in Rule .0205 of this Subchapter, with the exception of:

- | | | |
|-----|---|----------|
| (1) | In-Custody Transportation | 8 Hours |
| (2) | Crowd Management | 12 Hours |
| (3) | Law Enforcement Communication and Information Systems | 8 Hours |
| (4) | Anti-Terrorism | 4 Hours |
| (5) | Crime Prevention Techniques | 6 Hours |
| (6) | First Responder | 32 Hours |
| (7) | Physical Fitness (classroom instruction) | 8 Hours |
| (8) | Fitness Assessment and Testing | 12 Hours |
| (9) | Physical Exercise 1 hour daily; 3 days a week | 34 Hours |

(d) During the delivery of, or within 60 days of completing, the BLET topics specified in Paragraph (c) of this Rule the military trained individual shall be required to complete the following with passing scores:

- (1) The Police Officer Physical Abilities Test; and
- (2) The BLET comprehensive written examination.

(e) When completing the required training topics specified in Paragraph (c) of this Rule, a military trained individual shall meet all requirements specified in Rule 9B .0203 and Rule 9B .0405 of this Subchapter.

(f) Upon completion of the requirements specified in Paragraph (c) and (d) of this Rule, the military trained individual shall, within 12 months, make application to the Division, for probationary certification as specified in Rule 9C .0303 of this Chapter.

(g) Military spouses who, pursuant to G.S. 93B-15.1, apply to the Division for a certification issued by the Commission must meet, and shall submit documentation to the Standards Division verifying his or her compliance with, the following requirements:

- (1) Hold a current license, certification, or registration from another jurisdiction which is substantially equivalent to or exceeds the requirements required for certification;
- (2) Be in good standing with the issuing agency and not been disciplined by the agency that has the jurisdiction to issue the license, certification or permit; and
- (3) Demonstrate competency in the occupation by:
 - (A) Having completed continuing education comparable to the education and training required for the type of certification for which the application is being made, as determined by Paragraph (b) of this Rule; or
 - (B) Having engaged in the active practice of that occupational specialty for at least two of the five years prior to the date of application.
- (4) Not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in this State at the time the act was committed.

Authority G.S. 17C-2; 17C-6; 17C-10; 93B-15.1

Eff. _____2015

The Criminal Justice Education and Training Standards Commission met on Monday, March 23, 2015 at Wake Technical Community College in Raleigh to consider revisions to the above rule proposal. The Commission voted to amend the proposed rule as follows:

SECTION .0700 – MILITARY TRAINED APPLICANT AND MILITARY SPOUSE APPLICANT

12 NCAC 09B .0701 is proposed for adoption as follows:

12 NCAC 09B .0701 MILITARY AND MILITARY SPOUSE TRANSFEREES

(a) A military trained individual seeking certification pursuant to G.S. 93B-15.1 who applies to the Criminal Justice Standards Division (Division) for a certification issued by the Criminal Justice Education and Training Standards Commission (Commission) shall meet, and submit documentation to the Division verifying his or her compliance with the following requirements:

- (1) Been awarded a military occupational specialty that is substantially equivalent to or exceeds the training requirements required for certification and performed in the occupational specialty;
- (2) Completed a military law enforcement training program;
- (3) Engaged in the active practice of that occupation for at least two of the five years prior to the date of application; and
- (4) Not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in this State at the time the act was committed.

(b) The Division shall review documents received to verify that the military trained individual has met the criteria specified in Paragraph (a) of this Rule. Upon confirmation that the military trained individual has met this criteria, the Division shall authorize the limited enrollment for the military trained individual to complete the BLET training topics specified in Paragraph (c) of this Rule.

(c) The military trained individual authorized for limited enrollment in BLET shall enroll in BLET within 12 months of the enrollment authorization, and shall complete, at a minimum, the following topics specified in Rule .0205 of this Subchapter:

- | | | |
|------|---|----------|
| (1) | Motor Vehicle Laws | 20 Hours |
| (2) | Preparing for Court and Testifying in Court | 12 Hours |
| (3) | Elements of Criminal Law | 24 Hours |
| (4) | Juvenile Laws and Procedures | 8 Hours |
| (5) | Arrest, Search and Seizure/Constitutional Law | 28 Hours |
| (6) | ABC Laws and Procedures | 4 Hours |
| (7) | Techniques of Traffic Law Enforcement | 24 Hours |
| (8) | Patrol Techniques | 28 Hours |
| (9) | Responding to Victims and the Public | 10 Hours |
| (10) | Domestic Violence Response | 12 Hours |

(11)	Individuals with Mental Illness and Developmental Disabilities	8 Hours
(12)	Communication Skills for Law Enforcement Officers	8 Hours
(13)	Criminal Investigation	34 Hours
(14)	Interviews: Field and In-Custody	16 Hours
(15)	Human Trafficking	2 Hours
(16)	Firearms	48 Hours
(17)	Law Enforcement Driver Training	40 Hours
(18)	Subject Control and Arrest Techniques	40 Hours
	Total Hours	366 Hours

(d) During the delivery of, or within 60 days of completing, the BLET topics specified in Paragraph (c) of this Rule the military trained individual shall be required to complete the following with passing scores:

- (1) The Police Officer Physical Abilities Test; and
- (2) The BLET comprehensive written examination.

(e) When completing the required training topics specified in Paragraph (c) of this Rule, a military trained individual shall meet all requirements specified in Rule 9B .0203 and Rule 9B .0405 of this Subchapter.

(f) Upon completion of the requirements specified in Paragraphs (c) and (d) of this Rule, the military trained individual shall, within 12 months, make application to the Division, for probationary certification as specified in Rule 9C .0303 of this Chapter.

(g) Military spouses who, pursuant to G.S. 93B-15.1, apply to the Division for a certification issued by the Commission must meet, and shall submit documentation to the Standards Division verifying his or her compliance with, the following requirements:

- (1) Hold a current license, certification, or registration from another jurisdiction which is substantially equivalent to or exceeds the requirements required for certification;
- (2) Be in good standing with the issuing agency and not been disciplined by the agency that has the jurisdiction to issue the license, certification or permit; and
- (3) Demonstrate competency in the occupation by:
 - (A) Having completed continuing education comparable to the education and training required for the type of certification for which the application is being made, as determined by Paragraph (b) of this Rule; or
 - (B) Having engaged in the active practice of that occupational specialty for at least two of the five years prior to the date of application.
- (4) Not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in this State at the time the act was committed.

Authority G.S. 17C-2; 17C-6; 17C-10; 93B-15.1

Eff. ____2015

Fiscal Note for revision of 12 NCAC 09B .0227

Title: Specialized Driver Instructor Training

Agency: Department of Justice, Criminal Justice Standards Division

Contact: Trevor Allen (919) 779-8205

Impact Summary: State Government: Yes

Local Government: No

Substantial Impact: No

Small Business: No

Statutory authority: G.S. 17C-6

Amendments:

The proposed rule change would increase the number of additional hours of training for specialized driver instructors by 15 hours, from 33 to 48 hours, as well as slightly change the topics covered in training. The benefit for increased training time is to ensure the NC Justice Academy is providing the best trained instructors possible, which can effectively deliver the BLET law enforcement driver training block of instruction. The increased hours will provide the student instructors with additional training in the areas of practical driving skills, course set up, general mechanical knowledge, and the review of course administration and administrative code rules.

State Impact:

The proposed rule change would have an impact on state expenditures and resources due to the 15 additional hours of training. The impacts to the NC Justice Academy are detailed below.

Estimate of NC Justice Academy Cost:

1. Instructor costs for additional hours:

☐ 2 adjunct instructors = approx. \$1,000

(Includes salary of \$24 per hour and 34% benefits for 13 hours, which constitutes the practical portion of the training and per diem of \$37.3. The adjuncts are already on-site when the training occurs, therefore there is no travel cost included.)

☐ 2 staff instructors = \$960

(This represents the salary and benefits the agency pays for staff instructors. These individuals are salaried and they are paid regardless of additional hours; therefore, this value represents the opportunity cost of their time and is not an additional budgetary expense.)

2. Materials: The change in materials would be minimal and any impact would be insignificant

3. Facilities: Dorm operation = \$720.00

4. Equipment: Vehicle wear and gas = \$400.00

NCJA Total = \$3,080

Local Government Impact:

The proposed rule change would increase the time students, who are local government employees, would spend in training. Courses have a maximum capacity of 18 students, but there are often less than

that number of students in the class. The impact per student is presented below and assume maximum capacity.

Estimate of Agency per Student Cost:

1. Student time: \$480

(Includes salary of \$24 per hour and 34% benefits for 15 additional hours. The students are employees of local governments and receive a salary during the time of instruction; therefore, this value represents the opportunity cost of a student's time for the additional training hours and are not an actual budgetary expense.)

2. Transportation & use of agency vehicle during training: \$420.00

3. Lodging: \$0.00

(The NC Justice Academy provides lodging for the students and the cost is included above.)

4. Meals: \$40.00/per student

Agency cost per student = \$940 (*Per Student*)

Total Potential Agency Cost (class of 18 students)= \$16,920

Conclusion:

The estimated total impact to both state and local governments from increasing the hours of training for specialized driver instructors is approximately \$20,000.

See Rules beginning on next page.

12 NCAC 09B .0227 is proposed for amendment as follows:

12 NCAC 09B .0227 SPECIALIZED DRIVER INSTRUCTOR TRAINING

(a) The instructor training course required for specialized driver instructor certification shall consist of a minimum of ~~33~~ 48 hours of ~~instruction presented during a continuous period of not more than one week.~~ instruction.

(b) Each specialized driver instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice driver instructor in a Basic Law Enforcement Training Course or a "Law Enforcement Officers' Annual In-Service Training Program."

(c) Each applicant for specialized driver instructor training shall:

- (1) have completed the criminal justice general instructor training course;
- (2) present a written endorsement by either
 - (A) a certified school director indicating the student may be utilized to instruct driving in Basic Law Enforcement Training Courses; or
 - (B) a department head, certified school director, or in-service training coordinator, indicating the student may be utilized to instruct driver training in the "Law Enforcement Officer's Annual In-Service Training Program";
- (3) possess a valid operator driver's license; and
- (4) maintain a safe driving record where no more than four points have been assigned against the driving record within the past three years.

(d) Each specialized driver instructor training course shall include the following identified topic areas and instructional hours for each area:

- | | | |
|-----|--|-----------------------------------|
| (1) | Orientation | 1 Hours <u>Hour</u> |
| (2) | Lesson Plan Review (BLET) | 4 Hours |
| (3) | General Mechanical Knowledge | 4 Hours <u>2 Hours</u> |
| (4) | Before - Operation Inspection | 1 Hours <u>Hour</u> |
| (5) | Laws of Natural Force & Operating Characteristics | 2 Hours |
| (6) | Driver Practicum/Pre-Test <u>Practicum/Pre-Qualification</u> | 49 <u>32</u> Hours |
| (7) | Fundamentals of Professional Liability for Trainers <u>Legal and Operational Considerations for the Driver Instructor</u> | 4 Hours |
| (8) | Course Review <u>Description Packet and Administrative Code Review</u> | 1 Hour |
| (9) | Course Review | 1 Hour |

(e) The "Specialized Driver Instructor Training Manual" as published by the North Carolina Justice Academy shall be the curriculum for specialized driver instructor training courses. Copies of this publication may be inspected at the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27610

and may be obtained at the cost of printing and postage from the Academy at the following address:

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

(f) Commission-certified schools that are certified to offer the "Specialized Driver Instructor Training" course are The North Carolina Justice Academy and The North Carolina State Highway Patrol Training Center.

History Note: Authority G.S. 17C-6;

Eff. May 1, 1986;

Amended Eff. January 1, 2015; February 1, 2013; August 1, 2006; February 1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989.

Title: Revision of Training Requirements – Wildlife Law Enforcement**Agency:** Department of Justice, Criminal Justice Standards Division**Contact:** Trevor Allen (919) 779-8205**Impact Summary:** State Government: Yes

Local Government: No

Substantial Impact: No

Small Business: No

Rules Affected:**12 NCAC 09B .0228: BASIC TRAINING – WILDLIFE ENFORCEMENT OFFICERS****12 NCAC 09B .0401: TIME REQUIREMENT FOR COMPLETION OF TRAINING****12 NCAC 09C .0303: PROBATIONARY CERTIFICATION**

These rules specify the training and certification requirements for Wildlife Enforcement Officers. See the proposed rules changed on the pages following this summary.

Statutory authority for the rule change: G.S. 17C-2; 17C-6; 17C-10

Amendments: The NC Wildlife Resources Commission (WRC), Division of Law Enforcement, has revised the training requirements for the NC Wildlife Enforcement Officers. As opposed to requiring the Basic Law Enforcement Training - Wildlife Law Enforcement Officers program, which currently requires 652 hours of training, the WRC is now requiring the Basic Law Enforcement Training (BLET) program. The BLET program is required for all sworn law enforcement officers in order to obtain certification, and it consists of 620 hours of training.

Although not part of the proposed rule language, an additional change would be that once WRC officers complete the BLET program, they will receive an additional 156 hours of in-house specialized training, specific to the wildlife-specific function.

The WRC has identified the following reasons/benefits for changing the training requirements:

1. To make the training consistent with other law enforcement agencies throughout the State;
2. To limit any potential liability claims due to inconsistent training;
3. To include beneficial training topics that are not part of the Wildlife basic Training program, but are included in the BLET program;
4. Facilitate the more efficient hiring of officers transferring from other law enforcement agencies. These officers would not have to complete the program specified in 9B .0228, rather only the Wildlife-specific topics.

State Impact: The DOJ would not be affected by the proposed rule change. There would be no change in the cost to WRC to have its officers attend the BLET program as opposed to the Basic Training for Wildlife Enforcement Officers course. The WRC will continue to conduct the training for its officer (approximately 1 class every 2 years) that it has always funded, as opposed to DOJ, and that is delivered in classes where only wildlife enforcement officers participate. The trainees will not complete the training via the NC Community College System, as is commonly done for other law enforcement trainees. The only change that would result from the proposed rules is in the actual curriculum being taught and the fact that basic training would be 32 hours shorter than under the current rule.

However, the additional 156 hours of training on Wildlife-specific topics conducted by the WRC in-house, would offset the decrease in basic training hours. The in-house training in wildlife-specific topics will result in an increase in training costs for the agency. The per-class breakdown of costs is as follows:

- Equipment: \$4,000
- Student Meals: \$7,972
- Instructor Meals: \$3,986

Total: \$15,958 (per class)

While the agency would incur a budgetary cost of close to \$16,000 for a biennium, there would be an additional opportunity cost of about \$78,000 for the extra 124 hours about 20 wildlife enforcement

officers, plus an instructor, would spend in training during a 2-year cycle. This cost was computed based on the average annual total compensation (salary plus benefits) for a wildlife enforcement officer of about \$61,000 (or \$29.4/hour) and for an instructor (a wildlife enforcement supervisor) of about \$86,500 (or \$41.6/hour).

12 NCAC 09B .0228 is proposed for repeal

12 NCAC 09B .0228 BASIC TRAINING - WILDLIFE ENFORCEMENT OFFICERS

History Note: Authority G.S. 17C-6; 17C-10;

Eff. February 1, 1987;

Amended Eff. April 1, 2008; August 1, 2004; August 1, 2000; August 1, 1995; July 1, 1991; July 1, 1989.

12 NCAC 09B .0401 is proposed for amendment as follows:

12 NCAC 09B .0401 TIME REQUIREMENT FOR COMPLETION OF TRAINING

(a) Each criminal justice officer, with the exception of law enforcement officers, holding probationary certification shall ~~satisfactorily complete~~ complete, with passing scores, a ~~commission-accredited~~ Commission-accredited basic training course ~~which that~~ includes training in the skills and knowledge necessary to perform the duties of his ~~or her~~ office. The officer shall complete ~~such the~~ course within one year from the date of his original ~~appointment~~ appointment, as determined by the date of the probationary certification.

(b) Each law enforcement officer, ~~except wildlife enforcement officers,~~ officer shall have ~~satisfactorily~~ completed ~~with passing scores in its entirety~~ the accredited basic training course as prescribed in ~~12 NCAC 9B Rule .0205(b)~~ .0205 of this Subchapter prior to obtaining probationary certification.

~~(c) Each wildlife enforcement officer shall have satisfactorily completed in its entirety the Basic Training - Wildlife Enforcement Officers' course stipulated in 12 NCAC 9B .0228(b) prior to obtaining probationary certification.~~

~~(d)(c)~~ If a trainee completes the basic training course prior to being employed as a law enforcement officer, the trainee shall be duly appointed and sworn as a law enforcement officer within one year of ~~the completion of training~~ successfully passing the comprehensive written exam as specified in Rule .0406 of this Subchapter for that basic training course to be recognized under these Rules. ~~This one year period shall begin with the successful completion of the State Comprehensive Examination.~~

~~(e)(d)~~ If local confinement supervisory and administrative personnel complete basic training prior to being employed by a facility in a supervisory and administrative position ~~which that~~ requires certification, ~~such the~~ personnel shall be duly appointed to a local confinement facility supervisory and administrative position within one year of the completion of training for ~~that the~~ basic training course ~~specified in 12 NCAC 09B .0205. to be recognized under these Rules.~~ This one year period shall begin with the ~~successful completion~~ date the applicant achieves a passing score on of the State Comprehensive Examination. comprehensive written [exam.]exam, as specified in Rule .0411 of this Subchapter.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10;

Eff. January 1, 1981;

Amended Eff. July 1, 2015; January 1, 1995; March 1, 1992; July 1, 1989; June 1, 1986.

12 NCAC 09C .0303 is proposed for amendment as follows:

12 NCAC 09C .0303 PROBATIONARY CERTIFICATION

(a) Before a prospective criminal justice officer may be administered the oath of office, exercise the power of arrest, or commence active service as an officer, the employing agency shall have in its possession the person's Probationary Certification.

(b) The Commission shall certify as a probationary officer a person meeting the minimum standards for criminal justice ~~employment~~ employment, as specified in Rule .0101 of this Subchapter when the person's employing agency submits a completed Report of Appointment to the Standards Division.

- (1) The Standards Division shall issue the person's Probationary Certification to the employing agency.
- (2) If an oath is required, the official administering an oath of office to the person shall be presented the person's Probationary Certification prior to the swearing. The administering official shall sign and date the oath on the Probationary Certification. The employing agency shall return a copy of the signed Probationary Certification to the Standards Division within 10 days of the administration of the officer's oath.
- (3) If no oath is required, the officer's department head shall endorse the Probationary Certification and enter the date on which the officer's service commenced, returning a copy of the certification to the Standards Division within 10 days of the commencement of the officer's service.

(c) The officer's Probationary Certification shall remain valid for one year from the date the certification is issued by the Standards Division unless sooner terminated for cause.

(d) Before a prospective law enforcement officer, ~~except wildlife enforcement officers,~~ officer can ~~may~~ be issued a Probationary Certification, the prospective officer ~~must~~ shall have successfully completed the required basic training course stipulated in 12 NCAC 9B .0205(b).

~~(e) Before a prospective wildlife enforcement officer can be issued a Probationary Certification, the prospective officer must have successfully completed the required basic training course stipulated in 12 NCAC 9B .0228(b).~~

~~(f)~~(e) An applicant for certification who holds a valid Probationary Certification issued by the North Carolina Sheriffs' Education and Training Standards Commission shall be certified as a probationary law enforcement officer as specified under Paragraphs (b), (c) and (d) of this Rule.

~~(g)~~(f) Where the local governing authority lawfully declares the existence of a public emergency, the department head of the criminal justice agency of the jurisdiction may swear persons as law enforcement officers without first obtaining Probationary Certification for those officers. The employing agency shall obtain Probationary Certification for such emergency officers not more than 20 days after the administration of their oath of office.

History Note: Authority G.S. 17C-6; 17C-10;

Eff. January 1, 1981;

Amended Eff. July 1, 2015; November 1, 1993; March 1, 1992; July 1, 1989; October 1, 1985.

Title: **Juvenile Justice and Juvenile Court Counselor Training**
Agency: Department of Justice, Criminal Justice Standards Division
Contact: Trevor Allen (919) 779-8205
Impact Summary: State Government: No
Local Government: No (minimal)
Substantial Impact: No
Small Business: No

12 NCAC 09B .0235: BASIC TRAINING - JUVENILE COURT COUNSELORS AND CHIEF COURT COUNSELORS

12 NCAC 09B .0235: BASIC TRAINING – JUVENILE JUSTICE OFFICERS

☐ **Statutory authority for the rule change:** G.S. 17C-2; 17C-6; 17C-10

☐ **Amendment:** The Criminal Justice Education and Training Standards Commission proposed amendments to these rules in order to update the curricula for Juvenile Justice Officers, Juvenile Court Counselors and Chief Court Counselors. The revisions keep the curricula current with industry standards.

☐ **State Impact:** None

☐ **Local Government Impact:** None

☐ **Substantial Economic Impact:** No

☐ **Small Business Impact:** No

See Rules beginning on next page.

12 NCAC 09B .0235 is proposed for amendment as follows:

12 NCAC 09B .0235 BASIC TRAINING – JUVENILE COURT COUNSELORS AND CHIEF COURT COUNSELORS

(a) The basic training course for Juvenile Court Counselors and Chief Court Counselors shall consist of a minimum of ~~160~~ 154 hours of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a Juvenile Court Counselor and a Chief Court Counselor.

(b) Each basic training course for Juvenile Court Counselors shall include training in the following topical areas:

- (1) Juvenile Justice Common Core:

(A)	Juvenile Justice Overview; <u>Overview</u>	<u>2 hours</u>
(B)	Counseling and Communication Skills; <u>Basic Individual Counseling Skills</u>	<u>16 hours</u>
(C)	Characteristics of Delinquents; <u>Interpersonal Communication Skills</u>	<u>8 hours</u>
(D)	Unlawful Workplace Harassment; <u>Working with Families</u>	<u>3 hours</u>
(E)	Professional Ethics; <u>Characteristics of Delinquents</u>	<u>3 hours</u>
(F)	Staff and Juvenile Relationships; <u>Unlawful Workplace Harassment</u>	<u>2 hours</u>
(G)	Gang Awareness; <u>Career Survival: Integrity and Ethics in the North Carolina Department of Public Safety Workplace</u>	<u>2 hours</u>
(H)	Situational Awareness and Risk Assessment; <u>Staff and Juvenile Relationships</u>	<u>4 hours</u>
(I)	Restraints, Controls and Defensive Techniques; <u>Gang Awareness</u>	<u>4 hours</u>
(J)	Secure Transportation; <u>Situational Awareness and Risk Assessment</u>	<u>4 hours</u>
(K)	Mental Health; and <u>Restraints, Controls and Defensive Techniques</u>	<u>28 hours</u>
(L)	Basic Life Support: CPR and First Aid; and <u>Mechanical Restraints</u>	<u>4 hours</u>
(M)	<u>Secure Transportation</u>	<u>4 hours</u>
(N)	<u>Mental Health</u>	<u>8 hours</u>
(O)	<u>CPR</u>	<u>4 hours</u>
(P)	<u>First Aid</u>	<u>4 hours</u>
(Q)	<u>Employee Fitness and Wellness</u>	<u>4 hours</u>
	<u>Total Hours</u>	<u>104</u>
	<u>hours</u>	
- (2) Juvenile Court Counselor Specific:

(A)	Roles and Responsibilities; <u>Responsibilities</u>	<u>8 hours</u>
(B)	Juvenile Law; <u>Law</u>	<u>8 hours</u>
(C)	Intake; <u>Intake</u>	<u>8 hours</u>
(D)	Risk and Needs Assessment; <u>Assessment</u>	<u>4 hours</u>
(E)	Report Writing and Documentation; <u>Documentation</u>	<u>12 hours</u>
(F)	Interviewing; and <u>Interviewing</u>	<u>6 hours</u>
(G)	Driver Safety. <u>Safety</u>	<u>4 hours</u>
	<u>Total Hours</u>	<u>50 hours</u>
	<u>Total Course Hours</u>	<u>154</u>
	<u>hours</u>	

(c) The "Juvenile Court Counselor Basic Training Manual" as published by the North Carolina Department of Public Safety shall be applied as the ~~basic~~ curriculum for delivery of Juvenile Court Counselor basic training courses. Copies of this publication may be inspected at or purchased at the cost of printing and postage from the office of the agency:

The Office of Staff Development and Training
North Carolina Department of Public Safety
2211 Schieffelin Road
Apex, North Carolina 27502

(d) Upon ~~successful~~ completion of a Commission-certified training course for Juvenile Court Counselors and Chief Court Counselors, the Director of the school conducting such course shall notify the Commission of the satisfactory achievement of trainees by submitting a Report of Training Course Completion for each successful trainee.

(e) Employees of the Division of Adult Correction and Juvenile Justice who have ~~successfully~~ completed the minimum ~~160~~ 152 hour training program accredited by the Commission pursuant to Rule .0236 of this Section after January 1, 2013 who transfer from a Juvenile Justice Officer position to a Juvenile Court Counselor position shall be required to ~~successfully~~ complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Court Counselor under Subparagraph (b)(2) of this Rule.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10;
Temporary Adoption Eff. April 15, 2003;
Eff. April 1, 2004;
Amended Eff. May 1, 2014.*

12 NCAC 09B .0236 is proposed for amendment as follows:

12 NCAC 09B .0236 BASIC TRAINING - JUVENILE JUSTICE OFFICERS

(a) The basic training course for Juvenile Justice Officers shall consist of a minimum of ~~160~~ 152 hours of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a juvenile justice officer.

(b) Each basic training course for Juvenile Justice Officers shall include training in the following identified topical areas:

(1)	Juvenile Justice Common Core:	
(A)	Juvenile Justice Overview; Overview	2 hours
(B)	Counseling and Communication Skills; Basic Individual Counseling Skills	16 hours
(C)	Characteristics of Delinquents; Interpersonal Communication Skills	8 hours
(D)	Unlawful Workplace Harassment; Working with Families	3 hours
(E)	Professional Ethics; Characteristics of Delinquents	3 hours
(F)	Staff and Juvenile Relationships; Unlawful Workplace Harassment	2 hours
(G)	Gang Awareness; Career Survival: Integrity and Ethics in the North Carolina Department of Public Safety Workplace	2 hours
(H)	Situational Awareness and Risk Assessment; Staff and Juvenile Relationships	4 hours
(I)	Restraints, Controls and Defensive Techniques; Gang Awareness	4 hours
(J)	Secure Transportation; Situational Awareness and Risk Assessment	4 hours
(K)	Mental Health; and Restraints, Controls and Defensive Techniques	28 hours
(L)	Basic Life Support: CPR and First Aid; and Mechanical Restraints	4 hours
(M)	Secure Transportation	4 hours
(N)	Mental Health	8 hours
(O)	CPR	4 hours
(P)	First Aid	4 hours
(Q)	Employee Fitness and Wellness	4 hours
	Total Hours	104
	<u>hours</u>	
(2)	Juvenile Justice Officer Specific:	
(A)	Treatment Program Operation; Operations	4 hours
(B)	Maintaining Documentation of Activities and Behaviors; Behaviors	6 hours
(C)	Basic Group Leadership Skills; Skills	8 hours
(D)	Crisis Intervention Techniques; Techniques	8 hours
(E)	Effective Behavior Management; Management	12 hours
(F)	Health Services Overview; and Overview	2 hours
(G)	Trauma and Delinquents; Delinquents	6 hours
(H)	Contraband and Search Techniques	2 hours
	Total Hours	48 hours
	Total Course Hours	152
	<u>hours</u>	

(c) The "Juvenile Justice Officer Basic Training Manual" as published by the North Carolina Department of Public Safety shall be applied as the ~~basic~~ curriculum for delivery of Juvenile Justice Officer basic training courses. Copies of this publication may be inspected at or purchased at the cost of printing and postage from the office of the agency:

The Office of Staff Development and Training
North Carolina Department of Public Safety
2211 Schieffelin Road

Apex, North Carolina 27502

- (d) Upon ~~successful~~ completion of a Commission-certified training course for Juvenile Justice Officers the Director of the school conducting such course shall notify the Commission of the satisfactory achievement of trainees by submitting a Report of Training Course Completion for each successful trainee.
- (e) Employees of the Division of Adult Correction and Juvenile Justice who have ~~successfully~~ completed the minimum ~~160~~ 154 hour training program accredited by the Commission under Rule .0235 of this Section after January 1, 2013 who transfer from a Juvenile Court Counselor position to a Juvenile Justice Officer position shall be required to ~~successfully~~ complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Justice Officer pursuant to Subparagraph (b)(2) of this Rule.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10;
Temporary Adoption Eff. April 15, 2003;
Eff. April 1, 2004;
Amended Eff. May 1, 2014.*

Title: **Specialized Instructor Certification**
Agency: Department of Justice, Criminal Justice Standards Division
Contact: Trevor Allen (919) 779-8205
Impact Summary: State Government: No
Local Government: No (minimal)
Substantial Impact: No
Small Business: No

12 NCAC 09B .0305: TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTICATION

- ☐ **Statutory authority for the rule change:** G.S. 17C-6
- ☐ **Amendment:** The Criminal Justice Education and Training Standards Commission proposed amendments to these rules in order to ensure that Specialized Physical Fitness and Specialized Firearms Instructors maintain proficiency in their respective discipline.
- ☐ **State Impact:** None
- ☐ **Local Government Impact:** None
- ☐ **Substantial Economic Impact:** No
- ☐ **Small Business Impact:** No

See Rules beginning on next page.

12 NCAC 09B .0305 is proposed for amendment as follows:

**12 NCAC 09B .0305 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR
CERTIFICATION**

(a) An applicant meeting the requirements for Specialized Instructor Certification shall be issued a certification to run concurrently with the existing General Instructor Certification, except as set out in Paragraph (d) of this Rule. The applicant must apply for certification as a Specialized Instructor within 60 days from the date ~~of completion of a specialized instructor course.~~ the applicant achieved a passing score on the state comprehensive exam for the respective Specialized Instructor training course.

(b) The requirements for certification as a specialized instructor are determined by the expiration date of the existing General Instructor Certification. The following requirements apply during the initial period of certification:

- (1) where certification for both General Probationary Instructor and Specialized Instructor Certification are issued on the same date, the instructor is required to satisfy the teaching requirement for only the general probationary instructor certification. The instructor may satisfy the teaching requirement for the General Probationary Instructor certification by teaching any specialized topic for which certification has been issued;
- (2) when Specialized Instructor Certification is issued during an existing period of General Instructor Certification, either probationary status or ~~full~~ general status, the specialized instructor may satisfy the teaching requirement for the General Certification by teaching the specialized subject for which certification has been issued;
- (3) where Specialized Instructor Certification becomes concurrent with an existing active period of General Instructor Certification, and there are 12 months or more until the certifications' expiration date, the instructor must teach 12 hours for each specialized topic for which certification has been issued; and
- (4) where Specialized Instructor Certification becomes concurrent with an existing active period of General Instructor Certification, and there are fewer than 12 months until the certification expiration date, the instructor is not required to teach any hours for the specialized subject.

(c) The term of certification as a specialized instructor shall not exceed the 36 month period of ~~full~~ General Instructor Certification. The application for renewal shall contain, in addition to the requirements listed in Rule .0304 of this Section, documentary evidence that the applicant has remained active in the instructional process during the previous three-year period. Such documentary evidence shall include the following:

- (1) proof that the applicant has, within the three-year period preceding application for renewal, instructed at least 12 hours in each of the topics for which Specialized Instructor Certification was granted and that instruction was provided in a Commission-accredited training course or a Commission-recognized in-service training course. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators and written certification from a School Director or In-Service Training Coordinator;
- (2) proof that the applicant has, within the three-year period preceding application for renewal, attended and ~~successfully~~ completed any instructor updates that have been issued by the Commission. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators, or copies of certificates of completion issued by the institution which provided the instructor updates; and
 - (A) a favorable written recommendation from a School Director or In-Service Training Coordinator completed on a Commission Renewal of Instructor and Professional Lecturer Certification Form that the instructor ~~successfully~~ taught at least 12 hours in each of the topics for which Specialized Instructor Certification was granted. Such teaching must have occurred in a Commission-certified training course or a Commission-recognized in-service training course during the three-year period of Specialized Instructor Certification; or
 - (B) a favorable evaluation by a Commission or staff member, based on an on-site classroom evaluation of a presentation by the instructor in a Commission-certified training course or a Commission-recognized in-service training course, during the three-year period of Specialized Instructor Certification. Such evaluation shall be certified on a Commission Instructor Evaluation Form.
- (3) proof that the individual applying for renewal as a Specialized Firearms Instructor has achieved a minimum score of 92 on the day and night Basic Law Enforcement Training firearms qualification

courses, administered by a certified Specialized Firearms Instructor, within the three-year period preceding the application for renewal.

- (4) proof that the individual applying for renewal as a Specialized Physical Fitness Instructor has passed the Basic Law Enforcement Training Police Officer Physical Abilities Test, administered by a certified Specialized Physical Fitness Instructor, within the three-year period preceding the application for renewal.

Upon the applicant's submission of the required documentation for renewal, the Commission staff shall renew the certification as a Specialized Instructor. Such renewal shall occur at the time of renewal of the General Instructor certification.

(d) Certification as a Specialized Instructor in the First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas as outlined in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1) of this Section, specifically those certifications not based upon General Instructor Certification, shall remain in effect for 36 months from the date of issuance. During the 36 month term all non-Commission certificates required in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1) for Specialized Instructor certification in the First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas must be maintained.

(e) All instructors shall remain active during their period of certification. Any Specialized Instructor training courses previously accepted by the Commission for purposes of certification shall no longer be recognized if the instructor does not teach at least 12 hours in each of the specialized topics during the three-year period for which certification was granted. Upon application for re-certification, such applicants shall meet the requirements of Rule .0304 of this Section.

(f) The use of guest participants in a delivery of the "Basic Law Enforcement Training Course" is permissible. However, such guest participants are subject to the direct on-site supervision of a Commission-certified instructor and must be authorized by the School Director. A guest participant shall be used only to complement the primary certified instructor of the block of instruction and shall in no way replace the primary instructor.

History Note: Authority G.S. 17C-6;

Eff. January 1, 1981;

Amended Eff. May 1, 2014; June 1, 2012; November 1, 2007; January 1, 2006; December 1, 2004; August 1, 2004; August 1, 2000; July 1, 1991; July 1, 1989; December 1, 1987; February 1, 1987.